

## REMARKS

Claims 1-9 were rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over U.S. Patent No. 6,517,993 to Nakamura et al. (hereinafter referred to as “Nakamura”). This rejection is respectfully traversed.

According to the Official Action, Nakamura discloses a radiation sensitive resin composition comprising a polymer having a recurring unit of formula 1 and a recurring unit of formula 3 of Claim 1. In particular, the Official Action is relying upon copolymer 1 of Nakamura (column 13, lines 34-41 of Nakamura). This copolymer also includes a repeating unit derived from maleic anhydride (column 13, lines 61-62 of Nakamura). Claims 1, 4 and 7 have been amended to recite that the resin (A) comprises a copolymer *consisting of* methacrylate recurring units. A repeating unit derived from maleic anhydride is not a methacrylate recurring unit. Reconsideration and withdrawal of this rejection is therefore respectfully requested.

Claims 1-9 were rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over U.S. Patent No. 6,830,866 to Kobayashi et al. (hereinafter referred to as “Kobayashi”). This rejection is respectfully traversed.

According to the Official Action, Kobayashi discloses a radiation sensitive resin composition comprising a polymer having first and second recurring units of formula 1 of Claim 1 (i.e., copolymer 15 of Kobayashi). Claims 1, 4 and 7 have been amended to recite that the copolymer of resin (A) comprises recurring units selected from the group consisting of specific combinations of recurring units of formulae (1) to (6) (Claim 1) or formulae (1) to (3) (Claims 4 and 7). The specifically recited combinations do not

include first and second recurring units of formula (1). Accordingly, reconsideration and withdrawal of this rejection is therefore respectfully requested.

Claims 1-9 were rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over U.S. Patent No. 6,824,956 to Sato et al. (hereinafter referred to as “Sato”).

Applicants note that the Sato reference was first published on October 16, 2003, after the filing date of the present application. Accordingly, Sato is only available under 35 U.S.C. §102(e) as of its filing date. (i.e., February 21, 2003). The present application, however, claims priority to JP 2002-251812, which was filed on August 29, 2002. Since the Japanese priority document was filed before the earliest date that Sato is available as a reference, submission of a certified English translation of the JP 2002-251812 priority document would remove Sato as a reference. See MPEP §706.02(b). Submitted herewith is a certified English translation of the JP 2002-251812 priority document. It is respectfully submitted that Claims 1-9 are therefore patentable over Sato.

Reconsideration and withdrawal of this rejection is therefore respectfully requested.

## **CONCLUSION**

In view of the above amendments and remarks, Applicants respectfully request a Notice of Allowance. If the Examiner believes a telephone conference would advance the prosecution of this application, the Examiner is invited to telephone the undersigned at the below-listed telephone number.

Respectfully submitted,

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